

PETITION TO REVIVE AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

DAL
HFW

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of
a Request for Continued Examination.



☐ has been previously filed on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee of _____

☐ has been previously filed on _____.

☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed.

4. An adequate showing of the cause of the delay, and that entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

Enclosure

☒ Fee Payment

☒ Reply (Request for Continued Examination Transmittal)

☐ Terminal Disclaimer Form

09/23/2008 MBLANCO 00000035 10600220

01 FC:1452

510.00 0P

☒ Additional sheets (2 pages) containing statements establishing unavoidable delay

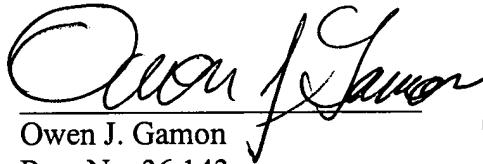
PETITION TO REVIVE AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0465. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 C.F.R. §1.16.

☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,



Owen J. Gamon
Reg. No. 36,143
(651) 645-7135

Date: September 17, 2008

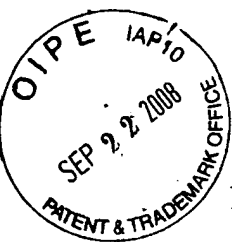
IBM Corporation
Intellectual Property Law
Dept. 917, Bldg. 006-1
3605 Highway 52 North
Rochester, MN 55901

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being transmitted via facsimile to the Commissioner for Patents, 571-273-8300, or is being transmitted via the Office electronic filing system on September 17, 2008.

Owen J. Gamon
Name
Reg. No.: 36,143



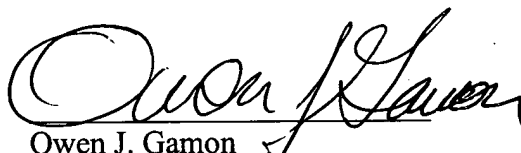
Signature



PETITION TO REVIVE AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Date: September 17, 2008


Owen J. Gamon
Reg. No. 36,143
(651) 645-7135

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A Final Office Action was mailed on January 11, 2008. In response to the Final Office Action, applicant filed an amendment after final rejection under 37 CFR 1.116 on March 11, 2008. The statutory period for reply expired on July 11, 2008. An Advisory Action was mailed on August 20, 2008, after the statutory period for reply, which did not enter the amendment because it "[raises] new issues that would require further consideration and/or search."

The filing of the attached Request for Continued Examination was unavoidably delayed because the Advisory Action was not mailed until August 20, 2008, which was after the expiration of the statutory period for reply. Until the Advisory Action was received, applicant did not know whether the amendment after final rejection under 37 CFR 1.116 placed in the application in condition for allowance, whether the amendment would be entered for purposes of appeal, or whether the amendment would not be entered. Thus, until the Advisory Action was received, applicant could not determine the appropriate reply, whether it be to pay an issue fee, to file a Notice of Appeal, or to file a Request for Continued Examination. Further, applicant had no control over the date of the mailing of the Advisory Action.

PETITION TO REVIVE AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

Thus, since the Advisory Action was not mailed until after expiration of the statutory period, because applicant could not determine the appropriate reply until the Advisory Action was received, and because applicant had no control over the date of mailing of the Advisory Action, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable.

2. MISCELLANEOUS

_____ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR § 1.17(I) required.)

_____ Other _____.

3. FEES

X_____ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 09-0465.

___X___ \$810.00 (RCE fee required under 37 CFR § 1.17(e)).

___\$___ (Extension of time fee (37 CFR § 1.136 and § 1.17)).

___X___ Any fees under 37 CFR § 1.16 and § 1.17 that may be required by this paper.

=====

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (print/type)

Owen J. Gamon

Registration number (Attorney/Agent)

36,143

Signature



Date

September 17, 2008

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, is being transmitted via facsimile to the U.S. Patent and Trademark Office, 571-273-8300, or is being transmitted via the Office electronic filing system on: September 17, 2008.

Name (print/type)

Owen J. Gamon

Signature



Date: September 17, 2008



PETITION TO REVIVE AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. Carnevale	Examiner:	Leon T Andrews
Serial No.:	10/688,220	Group Art Unit:	2616
Filed:	October 16, 2003	Confirmation No.:	9461
Docket:	ROC920030232US1		
Title:	Buffer Management for a Target Channel Adapter		

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified patent application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

Applicant hereby petitions for revival of the above-identified patent application.

NOTE: A grantable petition requires the following items:

- (1) Petition Fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☐ Small entity fee \$____ (37 CFR 1.17(l)). Applicant claims small entity status.
- ☐ Please charge Deposit Account No. 09-0465 in the amount of \$____, the petition fee for other than small entity under 37 CFR 1.17(l). A duplicate copy of this sheet is enclosed.
- ☒ A check is enclosed in the amount of \$510.00, the petition fee for other than small entity under 37 CFR 1.17(l).